

SENATE BILL 91
By Cooper J

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 17, relative to motor vehicle sales.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 17, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 55-17-126.

(a) Except as provided in subsection (b), no motor vehicle shall be sold in this state to an individual for personal use, if such individual does not have in his or her possession at the time of the sale a valid driver license.

(b)(1) A vehicle may be sold to an individual for personal use if the individual purchasing the vehicle and in whose name the vehicle will be registered is not licensed to drive in the following circumstances:

(A) The individual has a licensed driver living in the person's household;

(B) The vehicle will be placed at the disposal or use of a person who possesses a valid driver license;

(C) The vehicle is being purchased as a gift for a person who possesses a valid driver license;

(D) The individual is disabled or handicapped and the vehicle will display a handicapped registration placard as provided for in Title 55, Chapter 21;

(E) The individual does not meet the requirements of item (D) but is a senior citizen who does not possess a driver license; or

(F) The vehicle is a classic or collectible vehicle and will not be registered for driving on the highways of this state.

(2) If a person claims one (1) or more of the circumstances in this subsection, the circumstance shall be clearly noted on the documentation required to complete the sale of the vehicle.

(c) The motor vehicle dealer shall make photostatic copy of the driver license and attach a copy to the documentation required to complete the sale of the vehicle and keep a copy of the driver license in the dealer's records for at least two (2) years from the date of the sale.

(d) There is a rebuttable presumption that a driver license that is valid on its face and reasonably describes the person presenting the license to purchase a vehicle meets the requirements of this section.

SECTION 2. Tennessee Code Annotated, Section 55-17-117, is amended by adding the following language as a new, appropriately designated subsection:

(f) Notwithstanding any provision of this section to the contrary, any motor vehicle dealer violating any provision of § 55-17-126 is subject to a civil penalty of one thousand dollars (\$1,000) for a first offense and, in addition to such fine, revocation of such dealer's license for a second offense.

SECTION 3. The motor vehicle commission is authorized to promulgate rules and regulations in accordance with the uniform administrative procedures act, title 4, chapter 5, to effectuate the provisions of this section.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.